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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,943	09/04/2003	Alan John Sullivan	2069.037US1	7023
21186 7590 05/13/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER LANGHNOJA, KUNAL N				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/655,943

**Applicant(s)**

SULLIVAN, ALAN JOHN

**Examiner**

KUNAL LANGHNOJA

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al (2003/0097655), hereinafter referenced as Novak, in view of Florin et al (United States Patent 5,621,456), hereinafter referenced as Florin.

**Regarding claim 1**, Novak teaches "a system for effecting a transaction", including, "a head-end [110], a communications network [101], and a receiver [102], capable of receiving digital information (i.e. digital signals), including content data from the head-end [110] through the network [101], and of making the content data available to a user on a display device [104], which receiver further includes an interface [305] to a subscriber secure device [410], the system having the capability to create a transaction token (i.e. requesting content via user interface), incorporating a first code uniquely identifying the subscriber secure device [410]" (Figures 1 and 4; Paragraphs 0052, 0053, 0074 and 0082) However, the reference is unclear with respect to "the

receiver is programmed to make the first code available on the display device, and the system further includes a terminal for creating a transaction token, including an interface to a client secure device, wherein the terminal includes a user interface for entering the first code, and is arranged to create the transaction token from the entered first code in co-operation with the client secure device.”

In the similar field of endeavor, Florin teaches “the receiver is programmed to make the first code [425] available on the display device [180], and the system further includes a terminal for creating a transaction token, including an interface [60] to a client secure device [54], wherein the terminal includes a user interface [60] for entering the first code [425], and is arranged to create the transaction token (i.e. requesting content) from the entered first code [425] in co-operation with the client secure device [54].” (Figures 1, 40 and 41; Col. 23, lines 25-55) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by specifically adding “the receiver is programmed to make the first code available on the display device, and the system further includes a terminal for creating a transaction token, including an interface to a client secure device, wherein the terminal includes a user interface for entering the first code, and is arranged to create the transaction token from the entered first code in co-operation with the client secure device” for the common knowledge purpose of user-friendly mechanism for consumers to view, record, and play back TV and A/V programs as well as control A/V home entertainment devices using a remote control device.

**Regarding claim 2**, Novak teaches “a method of enabling a transaction”, in a system including “a head-end [110], a communications network [101], and a receiver [102], capable of receiving digital information (i.e. digital signals), including content data, from the head-end [110] through the network [101] and of making the content data available to a user on a display device [104], which receiver further includes an interface [305] to a subscriber secure device [410]” and “uniquely identifying the subscriber secure device [410].” (Figures 1 and 4; Paragraphs 0052, 0053, 0074 and 0082) However, the reference is unclear with respect to “a first code for creating a transaction token is made available to the user on the display device.”

In the similar field of endeavor, Florin teaches “a first code [425] for creating a transaction token (i.e. requesting content) is made available to the user on the display device [180].” (Figures 1, 40, and 41; Col. 23, lines 25-55) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by specifically adding “a first code for creating a transaction token is made available to the user on the display device.” for the common knowledge purpose of user-friendly mechanism for consumers to view, record, and play back TV and pay-per-view programs as well as control A/V home entertainment devices using a remote control device.

**Regarding claim 3**, Novak teaches everything claimed (see claim 2), however the reference is unclear with respect to “a second code, identifying a product to be ordered, and included in the content data, is made available to the user on the display device.”

In the similar field of endeavor, Florin teaches "a second code (i.e. Jeff's world), identifying a product to be ordered, and included in the content data, is made available to the user on the display device [180]." (Figures 40, and 41; Col. 23, lines 25-55) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by specifically adding "a second code, identifying a product to be ordered, and included in the content data, is made available to the user on the display device" for the common knowledge purpose of user-friendly mechanism for consumers to view, record, and play back TV and pay-per-view programs as well as control A/V home entertainment devices using a remote control device.

**Claim 5** is rejected for the same reasons set forth in the rejection of claims 1- 2.

**Claim 6** is rejected wherein "the subscriber secure device [410] includes a further identification code, and is arranged to calculate the first code (i.e. user identification) by encrypting the further identification code." (Paragraph 0074)

**Regarding claim 7**, Novak teaches "a terminal for creating a transaction token", including, "identifying a subscriber secure device [410]." (Figure 4; Paragraph 0074) However, the reference is unclear with respect "an interface to a client secure device, and arranged to create a transaction token incorporating a first code, wherein the terminal includes a user interface for entering the first code, and is arranged to create the transaction token from the entered first code in co- operation with the client secure device."

In the similar field of endeavor, Florin teaches "an interface to a client secure device [54], and arranged to create a transaction token (i.e. requesting content)

incorporating a first code [425], wherein the terminal includes a user interface [60] for entering the first code [425], and is arranged to create the transaction token from the entered first code [425] in co- operation with the client secure device [54]." (Figures 1 and 41; Col. 23, lines 25-55) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by specifically adding "an interface to a client secure device, and arranged to create a transaction token incorporating a first code, wherein the terminal includes a user interface for entering the first code, and is arranged to create the transaction token from the entered first code in co- operation with the client secure device" for the common knowledge purpose of user-friendly mechanism for consumers to view, record, and play back TV and pay-per-view programs as well as control A/V home entertainment devices using a remote control device.

**Regarding claim 8**, Novak teaches everything claimed (see claim 7), however the reference is unclear with respect to "a user interface for entering a second code, identifying a product to be bought, wherein the terminal is arranged to incorporate the second code in the transaction token in co-operation with the client secure device."

In the similar field of endeavor, Florin teaches "a user interface [60] for entering a second code (i.e. Jeff's world), identifying a product to be bought, wherein the terminal is arranged to incorporate the second code in the transaction token (i.e. requested content) in co-operation with the client secure device." (Figure 41; Col.22, lines 33-41, Col.23, lines 25-55) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by specifically adding "a user

interface for entering a second code, identifying a product to be bought, wherein the terminal is arranged to incorporate the second code in the transaction token in co-operation with the client secure device" for the common knowledge purpose of user-friendly mechanism for consumers to view, record, and play back TV and pay-per-view programs as well as control A/V home entertainment devices using a remote control device.

**Regarding claim 9**, Novak teaches "the terminal [102] is arranged to include a digital signature with the transaction token [409] in co-operation with the client secure device [102]." (Figure 4; Paragraph 0074)

**Regarding claim 10**, Novak teaches everything claimed (see claim 9), however the reference is unclear with respect to "the terminal includes a user interface for entering a personal identification code, and is arranged to generate the digital signature using the personal identification code in co-operation with the client secure device."

In the similar field of endeavor, Florin teaches "the terminal includes a user interface [60] for entering a personal identification code (i.e. PIN), and is arranged to generate the digital signature using the personal identification code in co-operation with the client secure device [54]." (Figure 41; Col. 23 lines 25-55) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by specifically adding "the terminal includes a user interface for entering a personal identification code, and is arranged to generate the digital signature using the personal identification code in co-operation with the client secure device" for the



common knowledge purpose of authenticating user to the system and providing the requested content.

**Regarding claim 11**, Novak teaches everything claimed (see claim 7), however the reference is unclear with respect to “the terminal includes a user interface for entering further details of the transaction, and is arranged to incorporate the entered details in the token in co-operation with the client secure device.”

In the similar field of endeavor, Florin teaches “the terminal includes a user interface [60] for entering further details of the transaction (i.e. allows user to clear incorrect information and start over), and is arranged to incorporate the entered details in the token in co-operation with the client secure device [54].” (Figure 41; Col. 23, lines 25-55) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by specifically adding “the terminal includes a user interface for entering further details of the transaction, and is arranged to incorporate the entered details in the token in co-operation with the client secure device” for the common knowledge purpose of user-friendly mechanism for consumers to view, record, and play back TV and request pay-per-view programs as well as control A/V home entertainment devices using a remote control device.

**Regarding claim 12**, Novak teaches everything claimed (see claim 7), however the reference is unclear with respect to “establish a communications link with an arbitrator system, and to transfer the token through the communications link to the arbitrator system.”

In the similar field of endeavor, Florin teaches "establish a communications link [52] with an arbitrator system [50], and to transfer the token (i.e. requested program) through the communications link [52] to the arbitrator system [50]" (Col. 23, lines 25-55) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by specifically adding "establish a communications link with an arbitrator system, and to transfer the token through the communications link to the arbitrator system" for the common knowledge purpose of user-friendly mechanism for consumers to view, record, and play back TV and request pay-per-view programs as well as control A/V home entertainment devices using a remote control device.

**Regarding claim 13**, Novak teaches everything claimed (see claim 12), however the reference is unclear with respect to "the terminal is arranged to receive a confirmation of the transaction from the arbitrator system, and has the capability of indicating receipt of the confirmation to the user."

"the terminal is arranged to receive a confirmation of the transaction from the arbitrator system [50], and has the capability of indicating receipt of the confirmation to the user (i.e. amount of money billed and start of a program)." (Figures 41 and 42; Col. 23, lines 25-55) Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by specifically adding "the terminal is arranged to receive a confirmation of the transaction from the arbitrator system, and has the capability of indicating receipt of the confirmation to the user" for the common knowledge purpose of user-friendly mechanism for consumers to request, view, record,

and play back TV and pay-per-view programs as well as keeping record of the requested contents through service provider.

**Regarding claim 14**, Novak teaches “ a client secure device [102], suitable for use in a terminal according to claim 7, arranged to create at least part of the transaction token.” (Paragraph 0074)

**Regarding Claims 4 and 15**, Novak discloses everything claimed as applied above in the rejection of claims 1-3, however Novak fails to disclose a computer readable medium. However, the examiner takes official notice of the fact that it was well known in the art to provide a computer readable medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Novak by specifically providing computer readable medium for the purpose of software implementation of the apparatus of claims 1-3.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is (571)270-3583. The examiner can normally be reached on M-F 9 A.M- 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KL

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623